

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL NO. 2:06CR2

UNITED STATES OF AMERICA)

)

)

VS.

)

ORDER

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)

LEONARD PARKER)

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THIS MATTER is before the Court on Defendant's motion for a psychiatric evaluation to determine his competency to stand trial as well as his mental status at the time the alleged offense.

Having considered the Defendant's motion and there being no objections by the Government,

IT IS, THEREFORE, ORDERED that the Defendant's motion is **ALLOWED**, and the Defendant shall be examined by at least one qualified psychiatrist pursuant to 18 U.S.C. § 4241(b) and Fed. R. Crim. P. 12.2 to determine if the Defendant is presently insane or otherwise so mentally incompetent as to be unable to understand the criminal proceedings against him or to properly assist in his defense.

IT IS FURTHER ORDERED that the Defendant shall be examined to determine whether at the time of the commission of the alleged offense he was criminally responsible pursuant to 18 U.S.C. § 4242.

IT IS FURTHER ORDERED that, for purposes of examination and pursuant to § 4241(b), the Defendant is committed to the custody and care of the Attorney General for placement in a suitable facility, and the examination shall be for such a reasonable time, not to exceed 45 days, as is necessary to make evaluations as to whether the Defendant (1) is presently insane or otherwise so mentally incompetent as to be unable to understand the proceedings against him or to properly assist in his own defense; and (2) was, at the time of the commission of the alleged offense, criminally responsible. **18 U.S.C. §§ 4241(b), 4247(b) and (c).** For purposes of determining the 45-day period, the examination is deemed to commence on the day the Defendant is admitted to the mental health facility.

IT IS FURTHER ORDERED that the Warden or Case Manager of the designated facility is instructed that requests for extension of the 45-day examination period must be in a writing mailed to the Clerk of this Court,

with copies sent to Defendant's counsel, the United States Attorney, and the United States Marshal.

IT IS FURTHER ORDERED that the psychiatrist, as designated by the Attorney General to examine the Defendant, shall prepare a psychiatric report pursuant to the requirements of 18 U.S.C. § 4247(c) and shall forward the original report to this Court, a copy to the Clerk of this Court, and a copy to the United States Attorney.

IT IS FURTHER ORDERED that the United States Marshal shall transport the Defendant to the mental health institution, which shall be designated by the Attorney General, and return the Defendant immediately upon completion of the examination to the Western District of North Carolina where Defendant shall remain in the custody of the United States Marshal.

IT IS FURTHER ORDERED that the United States Marshal shall provide the Defendant with medications, if any, as prescribed by a licensed physician pending and during transportation to the mental health institution designated by the Attorney General.

The Clerk is directed to transmit copies of this Order electronically to Defendant's counsel, the United States Attorney, the United States

Marshal, and the designated mental health facility in care of the United States Marshal.

Signed: April 4, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

